

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE VERKLER,

Defendant.

CASE NO. CR15-0041-JCC

ORDER

This matter comes before the Court on Defendant's motion to file documents lost by the Court (Dkt. No. 106). Having thoroughly considered the motion and the relevant record, the Court hereby DENIES the motion for the reasons explained herein.

Defendant requests leave to "re-file" a habeas corpus petition and a motion to suppress. (Dkt. No. 106 at 1.) He makes this motion under 28 U.S.C. section 1734, which allows an "interested person not at fault" for the loss or destruction of a court record to file "a verified application for an order establishing the lost or destroyed record." 28 U.S.C. § 1734(b). Defendant asserts that the documents at issue were filed in early 2015, but are missing from the docket. (Dkt. No. 106 at 1.) As evidence that the documents were filed and later lost or destroyed, Defendant states "the docket just also happens to be missing entries from that time, numbers 12 and 13." (*Id.*) However, docket number 12 is Defendant's waiver of a preliminary hearing, and docket number 13 is the felony information against Defendant. (Dkt. Nos. 12, 13.)

1 There is no record of additional motions filed with the Court. Section 1734(b) does not provide a
2 basis for Defendant to file motions never initially filed with the Court. Such documents would
3 not constitute “lost or destroyed . . . court records.” *See id.* Defendant offers neither a legal basis
4 for the Court to find otherwise nor a factual basis for the Court to conclude the documents should
5 be established as court records. *See* 28 U.S.C § 1734(b).

6 For the foregoing reasons, Defendant’s motion to file documents lost by the Court (Dkt.
7 No. 106) is DENIED.

8 DATED this 22nd day of March 2018.

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12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
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